

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEBORAH RYAN,

Plaintiff,

Case No. 11-CV-10900

v.

HON. MARK A. GOLDSMITH

CITY OF DETROIT, et al.,

Defendants.

_____ /

ORDER ADMINISTRATIVELY CLOSING THE CASE

After the City of Detroit filed for bankruptcy on July 18, 2013, the Court administratively closed this case as to the claims against Defendants City of Detroit, Dwane Blackmon, and Barbara Kozloff (collectively, the “Detroit Defendants”). 7/31/13 Order (Dkt. 115). The Court also ordered that proceedings against Defendants City of Canton, Adam Falk, and Mark Schultz (collectively, the “Canton Defendants”) were not closed. Id. By keeping this case open as to the Canton Defendants, the Court was able to rule on the then-pending and fully-briefed motion for summary judgment by the Canton Defendants (Dkt. 93), which the Court granted as to the City of Canton, but denied without prejudice as to Falk and Schultz. 10/9/13 Order (Dkt. 120). Thereafter, the Court was also able to rule on Falk and Schultz’s renewed motion for summary judgment (Dkt. 122), denying the motion without prejudice. 12/19/13 Order (Dkt. 126).

Having denied Falk and Schultz’s renewed motion for summary judgment without prejudice, and in light of the bankruptcy stay remaining in place against the Detroit Defendants for the foreseeable future, it appears prudent to administratively close this case in its entirety at this time. Additional judicial work regarding the Detroit Defendants will be required once the

bankruptcy stay is lifted, given that their summary judgment motion (Dkt. 111) was filed, but not fully briefed, before the bankruptcy filing. To the extent Falk and Schultz decide to file yet another summary judgment motion, they will be free to do so once the bankruptcy stay is lifted and this case is reopened, which the Court can then consider in tandem with the Detroit Defendants' summary judgment motion. This procedure will not delay trial in this matter because, if a trial is required for Falk and Schultz, it will be conducted jointly with the Detroit Defendants (assuming their summary judgment motion is denied), given the significant overlap in proofs of the various claims. There is thus nothing to be gained by keeping this case open.

Accordingly, the clerk is instructed to close the case for administrative and statistical purposes only. Nothing contained herein shall be construed as an adjudication on the merits regarding the claims asserted against Defendants. If the bankruptcy stay is removed, or a party obtains relief from the stay, then the case may be reopened upon motion and the proceedings resumed. If any party believes another circumstance justifies reopening the case, counsel should arrange for a conference with the Court.

SO ORDERED.

Dated: December 19, 2013
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on December 19, 2013.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager